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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/112,608

Applicant(s)

OHBA, AKIO

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13,16-18,20-28,30-41 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13,16-18,20-28,30,32-39,41 and 44 is/are rejected.
- 7) ☒ Claim(s) 31 and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 07/31/03 have been fully considered but they are not persuasive.

Applicant argues (in regards to all claims) that the added limitations of the synchronization signals are included in picture signals reads over the Matheson prior art reference. Examiner disagrees for the following reason:

The limitation "picture signals" is broad, and does not limit the signals being transmitted to the local and remote computer to include an actual "picture". The limitation is broad enough to be interpreted as a signal that can manipulate a picture. Note that Matheson discloses position data that determines what frame to display on a screen at Column 4, Lines 14-19, is transmitted from a local computer to a remote computer (see Column 5, Lines 1-5). Also see Column 3, Lines 61-64 for a teaching of this position data used for synchronization of the games. Therefore, the position data provides synchronization and proper display of frames (synchronization signals and "picture signals" are transmitted together) in the video game system.

Therefore, the rejection of all claims stand, and is repeated below with emphasis on the newly added limitations.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-9, 11-13, 18, 35-37, 41, and 44 are rejected under 35

U.S.C. 102(e) as being clearly anticipated by Matheson (U.S. Patent No. 4,570,930).

Referring to claim 1, Matheson discloses plural entertainment devices interconnected via a communication channel (see Figure 1).

Matheson also discloses that the plural entertainment devices are interconnected via a synchronization signal transmission channel (see synchronization of games over a telephone line at Column 3, Lines 43-46), and a status change information transmission channel (see user changing status of game at Column 3, Lines 58-64).

Matheson also discloses that one of the entertainment devices generates picture signals (see definition of "generation" at Column 4, Lines 17-21) in synchronism with the synchronization signals transmitted via said synchronization signal transmission channel (see Claim 1 of '930 reference), based on the status change information of the own machine (local computer 110) or another machine (remote computer 120). Also refer to claim 1, for synchronizing a video game in regards to the status change information between two computer systems.

Matheson also discloses that said synchronization signals are included in picture signals output by said other than the own device (see arguments above).

Referring to claim 2, Matheson discloses that a memory stores local and remote position data is stored and read from memory to control the current generation (video game that displays picture data to a display) being run (Column 5, Lines 53-60).

Matheson also discloses a display control means having a synchronization signal input

terminal to which are entered synchronization signals from an outside source (see transmitting data words to synchronize users playing a same "generation" at Column 4, Lines 30-40 and Lines 41-59), and the display control means having the function of outputting as picture signals picture data written in said memory in synchronism with synchronization signals from an outside source (see how the position data controls the "generation" on the local and remote computers at Column 5, Lines 36-65).

Referring to claim 3, Matheson discloses that picture data is recorded in memory (see position data used to display a frame on a video screen at Column 4, Lines 17-21) that is generated based on the status change information of the local and remote computers (Column 4, Lines 11-14 and Column 5, Lines 43-52) over the synchronization channel (telephone line in Figure 2).

Referring to claim 4, Matheson discloses that the frame numbers of the picture signals are used to achieve frame synchronization (Column 8, Lines 37-44).

Referring to claims 6-9, see rejection of claims 1-4.

Referring to claim 11, Matheson discloses these limitations in claim 2; expect the teaching of a picture output terminal, which is clearly disclosed in Figures 1 and 2 by showing a television display. Matheson also discloses that said synchronization signals are included in picture signals output by said other than the own device (see arguments above).

Referring to claim 12, see rejection of claim 4.

Referring to claim 13, Matheson discloses a status change information input terminal to which is entered the status change information supplied on the basis of an application program for a game (Column 4, Lines 11-14, Claim 1, and Figures 1 and 2).

Referring to claim 18, Matheson discloses a picture output auxiliary terminal for outputting picture signals (see interface and television in Figure 2).

Referring to claim 35, Matheson discloses writing plural picture data in memory (see storing local and remote position data which control display of video frames to memory at Column 5, Lines 43-50). Matheson also discloses synchronizing picture signals by picture data written in memory with synchronizing data written from an outside source (Column 5, Lines 53-61). Matheson also discloses an output for displaying picture signals (see television in Figure 2).

Referring to claim 36, see rejection of claim 4.

Referring to claim 37, Matheson discloses that a remote computer can provide position data to aid in the synchronization process (Column 5, Lines 46-50).

Referring to claim 41, Matheson discloses a telephone network (see Figure 2).

Referring to claim 44, see rejection of claim 11 and 13.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 10, 16-17, 20-28, 30, 32-34, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheson in view of Sitrick (U.S. Patent No. 4,521,014).

Referring to claims 5 and 10, Matheson teaches all of the limitations in claims 1, 7 and 11, respectively. Matheson fails to teach a picture input terminal to which picture signals from outside are entered and has the function of writing the input picture signals in memory. Sitrick discloses a networked video game system with multiple users (see Figures 1A-1C and 2A-2B), which comprises a video image input means that provides a visual image of the user of the individual game apparatus 1000 (Column 11, Lines 16-20), and can store the image in the memory of the apparatus 1000 (Column 11, Lines 29-31).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the local and remote computers (elements 110 and 120 in Figure 1) for playing a video game, as taught by Matheson, using the video image input means, as taught by Sitrick, for the purpose of allowing a user to create his or her own images, which can then be incorporated into the overall video game audiovisual presentation (Column 11, Lines 45-49 of Sitrick).

Referring to claim 16, Matheson discloses all the limitations in claim 11, as well as synchronizing two picture displays according to a frame count (Column 8, Lines 37-44). Matheson fails to teach receiving the picture signals over telecast signals sent over a satellite broadcast. Sitrick discloses a communication means can be provided by satellite communications (Column 10, Lines 43-45). At the time the invention was

made, it would have been obvious to a person of ordinary skill in the art, to modify the networked video game system used to synchronize plural video game machines over a telephone line, as taught by Matheson, using the satellite communications link, as taught by Sitrick, for the purpose of providing the necessary broad bandwidth to allow totally digital communications to provide for the use of digital video transmission (Column 10, Lines 45-47 of Sitrick).

Claim 17 corresponds to claim 16, with the additional limitation of the picture signals entered from an outside source, where the picture signals are provided from the broadcast source being sent to the picture input terminal. Sitrick discloses a video image input means for providing a visual image of the user to the game apparatus 1000 (Column 11, Lines 16-20). Sitrick also discloses a satellite communication means for providing digital video transmission (Column 10, Lines 43-46). Therefore, it would have been obvious to receive the picture signals at the picture input terminal from the satellite broadcast source for the purpose of integrating video advertisements into a video presentation.

Claim 20 directly relates to claim 15 (which depends on 11 and 14), with the additional limitations of the synchronization signals and picture signals that are game-dedicated. Both Matheson and Sitrick both relate to video game related art.

Referring to claim 21, Matheson discloses a first picture display device (element 110 in Figure 1) having a memory in which are written plural picture data (Column 2, Lines 60-62) and a display control means for outputting picture signals by picture data



written in said memory (Column 2, Lines 63-64). Matheson discloses a picture output terminal for outputting the picture data to the outside (see TV display in Figure 1).

Matheson discloses a second picture display device (element 120 in Figure 1) with identical functionality to the first picture display device. Matheson also discloses that picture signals are outputted by picture data written in memory in synchronism with synchronization information from the input picture data from another source (see Column 2, Lines 26-31 for synchronizing the game machines according to a frame count and position data).

Matheson also discloses that picture data includes synchronization information (see arguments above).

Matheson fails to disclose receiving picture data from other picture display means via said communication network. Sitrick discloses receiving images from a video image input means that provides a visual image of the user, which can be used to represent the user in a multi-user video game (see Column 11, Lines 16-20 and Lines 41-45).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the remote computer (second picture display means equivalent to element 120 in Figure 1) for playing a video game, as taught by Matheson, using the video image input means, as taught by Sitrick, for the purpose of allowing a user to create his or her own images, which can then be incorporated into the overall video game audiovisual presentation (Column 11, Lines 45-49 of Sitrick).

Claim 22 corresponds to claim 21, with the additional limitation of the second output device outputting picture signals in synchronism with the synchronization information from the first picture display device. Matheson teaches that both the second and first picture display devices are synchronized while playing a video game using the video frame count and player position data, which is transmitted over a telephone line 250 (see Column 2, Lines 14-16 and Lines 26-31).

Claim 23 corresponds to claim 21, with the additional limitation of the second picture display device bringing the frame numbers of the picture signals into coincidence using the synchronization information in order to effect frame synchronization (see rejection of claim 4 above).

Claim 24 corresponds to claim 21, please refer to the rejection of claims 14 and 15.

Claim 25 corresponds to claim 21, please refer to the rejection of claim 16 and note that Matheson contains more than one picture display device with identical functionality (see Figure 1).

Claim 26 corresponds to claim 25, please refer to the rejection of claim 23.

Claim 27 corresponds to claim 25, with the additional limitation of the telecast signals being transmitted by a satellite network. Sitrick discloses the satellite network in the rejection of claim 16.

Claim 28 corresponds to claim 21, please refer to the rejection of claim 18.

Claim 30 corresponds to claim 21, Matheson discloses status change input terminals to which is entered the status change information supplied on the basis of an

application program for a game (see element 155 in Figure 1 and Column 3, Lines 43-52).

Claim 32 corresponds to claim 30, with the additional limitation of the status change information is provided over a telephone network (see Column 2, Lines 14-16).

Referring to claim 33, see rejection of claims 27 and 32. Claim 27 (which depends upon claims 25 and 21) discloses the satellite network disclosed by Sitrick used to send telecast signals to the remote game machines. Claim 32 (which depends on claims 30 and 21) discloses exchanging picture data (frame data) over a telephone network. Matheson discloses that a telephone network connects two game machines (Column 2, Lines 14-16). Matheson also discloses that picture signals include synchronization information (see arguments above). Note that motivation for combining Matheson and Sitrick in regard to these claim limitations is the same disclosed in claim 21.

Claim 34 directly relates to claim 33, with the additional limitations of a plurality of picture display devices and a host station. Matheson discloses a local and remote computer, which is a plurality (more than one). Matheson also discloses that picture signals include synchronization information (see arguments above). Sitrick discloses a host station (see game center database at Column 10, Lines 39-42) for relaying picture data transmitted between picture display devices (Column 10, Lines 36-39) and controlling the satellite network (Column 10, Lines 43-47). Matheson again discloses the telephone network for connecting the picture display devices, and it would be obvious to use the network to connect the display devices to the host station, while the

host station disclosed by Sitrick controls the satellite network for processing the telecast signals.

Referring to claims 38 and 39, Matheson discloses all the limitations in claim 35, but fails to teach synchronizing picture signals according to telecast signals. Sitrick teaches transmitting signals over satellite (Column 10, Lines 43-45). At the time the invention was made it would have been obvious to modify the network video game system, as taught by Matheson, using the satellite communication means, as taught by Sitrick, for the purpose of providing the necessary broad bandwidth to allow digital communications to provide digital video transmissions (Column 10, Lines 45-47 of Sitrick).

#### ***Allowable Subject Matter***

4. Claims 31 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

October 14, 2003

  
**ANDREW FAILE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**